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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SHERI GARAY

Case No. 4:08-cv-01059-SBA

Plaintiff,

v.

UNUM LIFE INSURANCE COMPANY  
OF AMERICA; DOES 1-10

Defendants.

**[PROPOSED] ORDER DENYING  
DEFENDANT'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

**Date: July 22, 2008**

**Time: 1:00 p.m.**

**Crtrm: 3**

**Honorable Sandra Brown Armstrong**

Defendants' Motion for Summary Judgement, or in the Alternative Summary Adjudication, came on regularly for hearing by this Court on July 22, 2008, the Honorable Sandra Brown Armstrong presiding.

The Court, having read the supporting and opposing papers, and having heard the arguments at the hearing, and good cause appearing, orders as follows:

IT IS HEREBY ORDERED that:

1. Defendant's Motion for Partial Summary Judgment is hereby denied. ERISA does not preempt Plaintiff's state law claims against Defendant nor govern Plaintiff's insurance policy with Defendant Unum Life Insurance Company of America.

1 IT IS SO ORDERED.

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4 DATED: July \_\_, 2008

By: \_\_\_\_\_

5 THE HONORABLE SAUNDRA BROWN ARMSTRONG  
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